

tioning some of the more important topics covered, such as claims, practice, and procedure before the Veterans' Administration, rights, duties, payments, and status upon release from service, employment rights and unemployment benefits, education and rehabilitation, loans, insurance, property and estates, pensions, hospitalization and retirement pay, and the Soldiers' and Sailors' Civil Relief Act. Generally the text material is clear and concise, comprehensive and well documented. Exceptions may be noted, however—the chapter on employment rights and benefits furnishing a ready example. There, an excellent discourse on civil service preferences is coupled with a brief treatment of veterans' re-employment rights, no mention being made of the perplexing problems involving unions and seniority. The urgent need for a work on the law of veterans may well have been an overriding factor in publishing a volume in which not every topic was fully developed. Pocket part supplementation is the obvious cure. On the other hand, the number of subjects covered is very great and although the complex problems are not treated in all instances, the basic law on every subject is given. By the very nature of the subject matter the book contains a good deal of material that is not particularly germane to the practice of law. The inclusion of advice on government life insurance, retirement pay, etc., gives the work a wider appeal than to the legal profession alone and in no way detracts from its value as an encyclopedia on the law of veterans.

Two excellent features of the volume must not be overlooked. The first is the detailed procedural guide found in every chapter. Sources of information, forms and their use, administrative bodies and their jurisdiction, and exact steps to be taken in realizing each right and obtaining each benefit are all clearly indicated in the body of the text. The second feature is an appendix, some four hundred pages in length, containing a collection of all federal statutes which relate to veterans' rights, veterans' regulations, a summary of the principal state laws pertaining to veterans, and a list of addresses of all offices and agencies connected with veterans. The inclusion of such material rounds out the handbook. They are valuable aids to an invaluable volume.

HORACE RUSSELL*

Some Reflections on Jurisprudence. By W. W. Buckland. Cambridge, England: University Press, 1945. Pp. viii, 118.

This little book expands slightly the substance of a course of lectures. Its author is Professor Emeritus at Civil Law in Cambridge University. His successive chapters represent, not the consecutive development of a single theme, but the application of a central point of view to a variety of topics connected, more or less closely, with the subject of jurisprudence.

If we define "philosophy" as largely critical reflection upon presuppositions and implications, the author's point of view is philosophical. Chapters i-iv and vi might well have been entitled "Prolegomena to Jurisprudence." They contain critical reflections upon recent and current philosophies of the nature and function of law, and determine the limitations of jurisprudence. The views of Kant, Spencer, Duguit, Krabbe, Kelsen, Jellinek, Stammler, and of many others are crisply summarized, cited, and evaluated, with a neat modern instance in each case to drive home the point of the

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criticism. Chapters v, ix, and x fall more within the field of jurisprudence itself. They deal with such topics as "The Command Theory and Its Rivals," "Legal Sovereign and Political Sovereign," and "Some Legal Concepts," and contain, amongst other good things, an extremely clear exposition and refutation of the social contract theory. Here again abstractness is mitigated by reference (a) to specific authorities such as Austin, Vinogradoff, Sir E. Barker, and many others, and (b) to apposite concrete instances.

The author's standpoint is empirical, comparative, and historical. He excludes from jurisprudence (as far as possible for one himself living in a historical period) the encroachment of value-judgments from the fields of ethics and social and speculative philosophy, and would make of jurisprudence a dispassionate scientific study of phenomena which are actual rather than ideal. He warns that a good deal of what he says is regarded as heterodox, but claims that the points of view suggested are worth further consideration.

The book is exceptionally well written, and suggests the easy mastery of a well-trained legal mind on the bench. The reviewer can find no fault with the clearness, soundness, and indeed finality of the author's summing up. But the reader, on laying the book down after enjoying it, is inclined to wonder whether the *ex cathedra* finality, which is so impressive in its reference to history which is past, is not perhaps out of place when it refers to a history which is still in the making. The feeling persists that present-day writers (e.g., Mr. Harold Laski) who are tried and found wanting as authorities in the field of theory, may actually have more to do with the creation, by legislation, of the brave new world of the future than the author's analyses, however logically brilliant, indicate.

RUPERT C. LODGE*

Transportation under Two Masters. By Charles D. Drayton. Washington: The National Law Book Co., 1946. Pp. 375.

Except for personal attacks on the author of *Justice in Transportation* and on Judge Thurman Arnold, who contributed the introduction to that book, Mr. Drayton, in *Transportation under Two Masters*, merely repeats the ancient arguments of railroad propagandists who have contended that the railroads, because they are subject to regulation under the Interstate Commerce Act, should be exempt from the operation of the antitrust laws. Mr. Drayton considers the enforcement of the antitrust laws by the Department of Justice a molestation or interference with the functions of the Interstate Commerce Commission and an attempt to "take out of the hands of the Interstate Commerce Commission a large measure of authority vested in that body." Mr. Drayton inquires whether the public interest would be served by the "continuance of orderly regulation of our transportation system by the Interstate Commerce Commission" or whether that tribunal should be "superseded in its regulatory function by the Antitrust Division of the Department of Justice."¹ The assumption that regulated carriers cannot simultaneously be required to obey these two laws enacted by the Congress is the basic fallacy of his book.

Mr. Drayton would have the reader believe that the Sherman Antitrust Act was

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¹ Pp. 3-5.